

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: SEPTEMBER 13, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-23515 - APPLICANT/OWNER: BRAGGI GALAN

**** CONDITIONS ****

STAFF RECOMMENDATION: **DENIAL.** If Approved, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.04.010 for the Group Residential Care Facility use, including parking requirements.
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a proposed group residential care facility with a waiver to allow an approximately 1,060-foot distance separation from another group residential care facility where 1,500 feet is the minimum separation distance required at 3508 Chad Circle.

The proposed Group Residential Care Facility does not meet the required distance separation requirements and would constitute an increase in land use intensity within the subject neighborhood. It appears the proposed use cannot be conducted in a manner that is harmonious and compatible with existing surrounding land uses.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
There are no City Actions that pertain to this site.	
<i>Pre-Application Meeting</i>	
06/19/07	A pre-application was held with the applicant. The applicant was informed that the proposal for a group residential care facility would require a Special Use Permit. The applicant submittal requirements were then explained in detail.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	
<i>Field Check</i>	
08/09/07	A field check was made on the site. The proposal is located in an existing residential neighborhood. The other group residential care facility that is in proximity of this proposal is located at the end of a cul-de-sac on Newport Street.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.16 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Single Family Dwelling	L (Low Density Residential)	R-1 (Single Family Residential)
North	Single Family Dwelling	L (Low Density Residential)	R-1 (Single Family Residential)
South	Single Family Dwelling	L (Low Density Residential)	R-1 (Single Family Residential)

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East	Single Family Dwelling	L (Low Density Residential)	R-1 (Single Family Residential)
West	Single Family Dwelling	L (Low Density Residential)	R-1 (Single Family Residential)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.04, the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided	Compliance
Group Residential Care Facility	6,500 SF Minimum Lot Size	6,970 SF Lot	Y

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Group Residential Care Facility	2035 SF – nine residents (seniors)	1 space per 5 residents plus 1 care taker space	3	0	3	0	Y
TOTAL (including handicap)			3		3		Y

Waivers		
Request	Requirement	Staff Recommendation
Waiver to allow 1060 feet distance separation	1,500 feet	Denial

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ANALYSIS

Zoning

A Group Residential Care Facility is a permitted use within an R-1 (Single Family Residential) zoning district by meeting the conditions listed in Title 19.04.040 are satisfied. If any one of the conditions is not satisfied, a Special Use Permit is required. As there is another Group Residential Care Facility within 1,500 feet of the subject property (1520 Newport Street), which is approximately 1060 feet, a waiver of the 1,500-foot distance separation requirement is also necessary.

Use

Group Residential Care Facility

A Group Residential Care Facility means a dwelling unit of a residential character which is used or intended to be used to provide long-term housing and care for up to ten persons who are aged, infirm, physically or mentally handicapped, or physically dependent, and are living together for the purpose of training, observation, common support, or a combination thereof. The term does not include an individual residential care facility, a facility for transitional living for released offenders, a halfway house for recovering alcohol and drug abusers, a convalescent care facility/nursing home, or any facility which:

- (1) Provides surgical, medical, psychiatric or other specialized treatment a regular basis; or
- (2) Provides housing, care or treatment to persons whose occupancy would constitute a direct threat to the health or safety of other individuals or their property.

The applicant states the program being proposed is to serve a maximum of ten teenage girls ranging in age from 16 to 18. The girls will be coming from the Department of Family Services and to the best of her knowledge they are wards of the state.

Conditions

Pursuant to Title 19.04, the following Standards apply to the subject proposal:
Group Residential Care Facility

GROUP RESIDENTIAL CARE FACILITY

1. The facility must comply on an ongoing basis with all governmental licensing requirements.
2. The facility must be located on a parcel with a minimum size of 6,500 square feet.

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3. Off-street parking shall be provided on the basis of at least 1 space per 5 residents, plus an additional space for the administrator.
4. Indoor common area shall be provided on the basis of a minimum of 15 square feet per resident.
5. The facility shall not be established or modified in a manner that would make it inconsistent with the scale and architectural character of the neighborhood.
6. No signage, graphics, display, or other visual representation that is visible from a public street shall be used to identify the facility as a Group Residential Care Facility.
7. A facility may not be located closer than 1,500 feet (measured by means of the shortest distance from property line to property line) from another Group Residential Care Facility, a Facility for Transitional Living for Released Offenders, or a Halfway House for Recovering Alcohol and Drug Abusers, except where there is an intervening street, freeway, or drainage channel wider than 100 feet. The provisions of Section 19.04.040(B) do not apply to this Condition. However, a waiver of the distance limitation may be obtained from the City Council, after a recommendation from the Planning Commission, as follows:
 - a. A public hearing must be conducted by both the Planning Commission and City Council, after notice of hearing has been provided as in the case of a Special Use Permit.
 - b. The applicant must demonstrate to the satisfaction of the City Council that:
 - i. Approval of the waiver will not adversely affect the health and safety of the general public or the residents of any existing or proposed facility whose location is being considered in connection with the waiver;
 - ii. The location of the proposed facility in proximity to other facilities whose location is being considered will not inhibit the integration of disabled persons into the community or neighborhood in question;
 - iii. The proposed facility will be operated in compliance with Regulation 1;
 - iv. The proposed facility will comply with Regulations 2 through 6 and Regulation 8, unless any such condition has been waived in connection with the approval of a Special Use Permit; and
 - c. Approval of a waiver may be conditioned upon measures designed to ensure compatibility of the use.
8. The number of occupants within a Group Residential Care Facility shall not exceed the following occupancy standards:
 - a. For the first bedroom (deemed to be the largest bedroom), a maximum of 2 adults 18 years of age or older).

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- b. For each bedroom thereafter:
 - i. A maximum of 1 adult, for bedrooms less than 100 square feet in area; and
 - ii. A maximum of 2 adults, for bedrooms 100 square feet in area or greater.
- 9. In connection with approval of a Special Use Permit, the City Council may waive any of the occupancy standards in Regulation 8 for disabled adults if the applicant demonstrates that:
 - a. There will be adequate parking based on the number of occupants physically or mentally capable of operating an automobile, as well as the number of automobiles expected to be utilized by staff regularly managing or serving the occupants;
 - b. The number of occupants will not exceed the number permitted in the zoning district in which the proposed facility is to be located; and
 - c. The facility is adequate to accommodate the number of residents requested, including but not limited to adequate bathroom and kitchen facilities and eating and sleeping areas.
- 10. Regulations 2-9 shall not apply to a Group Residential Care Facility whose proposed location is not closer than 1,500 feet to any of the following uses:
 - a. Another Group Residential Care Facility;
 - b. A Facility for Transitional Living for Released Offenders;
 - c. A Halfway House for Recovering Alcohol and Drug Abusers.

Floor Plan

The submitted floor plan shows a one-story proposed Group Residential Care Facility with six bedrooms, 2.5 bathrooms, a living room, a dining room, and a kitchen, containing a total of 2,035 square feet of living space. The ratio of staff to residents (seniors) will be one staff member to nine seniors.

Parking

The site plan does not delineate parking spaces per Title 19.10 Parking Standards. However, the site plan indicates a 27-foot wide space, which would be adequate space for parking for three cars.

Common Area

Pursuant to Title 19.04, the following Standards apply to the subject proposal: Common area shall be provided on the basis of a minimum 15 square feet per resident. The applicant has supplied a floor plan depicting the layout of the dwelling with approximately 325 square feet of common area available to the occupants. The minimum requirement of 135 square feet of common area is satisfied.

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FINDINGS

The following findings must be made for a Special Use Permit:

- 1. “The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed Group Residential Care Facility does not meet the required distance separation requirements and would constitute an increase in land use intensity within the subject neighborhood. It appears the proposed use cannot be conducted in a manner that is harmonious and compatible with existing surrounding land uses.

- 2. “The subject site is physically suitable for the type and intensity of land use proposed.”**

The subject site is not physically suitable for the intensity of land use associated with a Group Residential Care Facility as it is within 1,060 feet of another group home. Therefore, the site does not meet the required distance separation of 1500 feet between group homes.

- 3. “Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The site gains access from Chad Circle, a cul-de-sac, which runs perpendicular to Culley Street, a 50-foot local street. This access will be adequate in size to meet the requirements of the proposed use.

- 4. “Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

Both the County Health Department and other code enforcement agencies will monitor the Group Residential Care Facility; therefore public health and safety will be protected. However, congregating group homes this closely together may compromise the general welfare of the area.

- 5. The use meets all of the applicable conditions per Title 19.**

The proposed Group Residential Care Facility is within 1,060 feet of another group home, and does not meet the required distance separation of 1,500 feet that is required between group homes.

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED 3

ASSEMBLY DISTRICT 28

SENATE DISTRICT 2

NOTICES MAILED 669

APPROVALS 0

PROTESTS 2